

DARLENE A. DORNAN, Court Counsel (State Bar No. 182228)
Superior Court of California, County of San Diego
By CHERYL L. BRIERTON, Litigation Attorney (State Bar No. 108242)
220 West Broadway
San Diego, California 92101
Telephone: (619) 531-3036
Facsimile: (619) 685-6606

Atorneys for Defendant, The Honorable William McAdam, Judge of the Superior Court
of California, County of San Diego

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL,) Case No.: 08-CV-00441 WQH (JMA)
Plaintiff,) DEFENDANT JUDGE MCADAM'S
v.) NOTICE OF RELATED CASE (LOCAL
JACK LIEB ESQ. AND ASSOC., JUDGE) RULE 40.1(e))
W. MCADAM, ET AL.,) Date: N/A
Defendants.) Time: N/A
) Crtrm: 4 (4th Floor)
) Judge: The Honorable William Q. Hayes

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Defendant, the Honorable William McAdam (“Judge McAdam”), Judge of the Superior Court of California, County of San Diego (“California Court”), hereby provides notice of a related case, *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), and asks that the instant case be assigned to the district and magistrate judge to whom the lowest numbered case was assigned. (U.S. Dist. Ct, So. Dist Cal., Local Rule 40.1(e), (f), (h).)

I.

THE CASES ARE RELATED, BECAUSE THEY INVOLVE SOME OF THE SAME PARTIES AND ARE BASED ON SIMILAR CLAIMS; INVOLVE THE SAME TRANSACTION OR EVENT; AND INVOLVE SUBSTANTIALLY THE SAME FACTS AND THE SAME QUESTIONS OF LAW.

A. Proceedings in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB):

On April 24, 2007, Plaintiff filed a 177-page Complaint in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), based on Plaintiff's dissatisfaction with Judge McAdam's denial of Plaintiff's writ of coram nobis relating to Plaintiff's state misdemeanor case(s) in the California Court, initially arising from a neighborhood altercation.¹ The writ itself appeared to be premised on misconduct by Plaintiff's attorneys in the state misdemeanor case. With respect to relief, Plaintiff sought "dismissal of a misdemeanor charge based on false allegations of several conspirators

¹Attorney Jack Lieb represented Plaintiff Randlett Lawrence against Lanz Arnell in a related state civil suit. See, Defendant Judge McAdam's Request for Judicial Notice on his Motion to Dismiss with Prejudice filed June 12, 2007 in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), Exhibit B: Minutes of March 26, 2007, in *People v. Lantz Arnell*, California Court Case No. S188356, reflecting Judge McAdam's denial of the petition for writ of coram nobis; Exhibit C: Lantz Arnell's Guilty Plea on March 3, 2004, in *People v. Lantz Arnell*, California Case No. S188356; Exhibit D, Minutes of December 15, 2006, in *Randlett T. Lawrence v. Lantz E. Arnell*, California State Trial Court Case No. GIS20077.

1 who have successfully interfered with the appellant's interstate commerce through
 2 violence and corruption", presumably a form of equitable and/or declaratory relief.

3 In this case, the California State Judicial Branch Defendants filed a Motion to
 4 Dismiss with Prejudice on June 12, 2007, amended June 19, 2007, based on judicial
 5 immunity and other theories. The Honorable Larry A. Burns, District Court Judge, took
 6 the motion under submission on August 8, 2007.

7 Meanwhile, on June 29, 2007, Plaintiff Arnell moved that Judge Burns recuse
 8 himself. Judge Burns denied the motion on July 10, 2007. On July 23, 2007, Judge
 9 Burns next issued an order striking Plaintiff's successive motion for recusal, and set an
 10 Order to Show Cause hearing for August 13, 2007, re why Plaintiff should not be
 11 sanctioned. On August 3, 2007, Judge Burns struck Plaintiff's third successive motion
 12 for recusal, and issued an amended order to show cause re sanctions. On August 8, 2007,
 13 Judge Burns further ordered Plaintiff to Show Cause why he should not be sanctioned or
 14 held in contempt.

15 Following the hearing on August 13, 2007, Judge Burns imposed sanctions of
 16 \$3,500 on Plaintiff, and denied the California State Judicial Branch Defendants' motion
 17 to dismiss as moot, based on Plaintiff's dismissal filed August 9, 2007.

18 B. *Allegations in Lantz Arnell v. Jack Lieb Esq. & Ass., Judge W. McAdam, et*
 19 *al., Case No. 07cv0743-LAB (RBB):*

20 The allegations in the instant case arise from the same neighborhood altercation,
 21 and the resulting California Court criminal and civil cases. Specifically, Plaintiff is
 22 pleading a conspiracy between Judge McAdam and Jack Lieb, Plaintiff's opposing
 23 counsel in the state civil case at trial and on appeal (dismissed 3/28/07). Plaintiff
 24 alleges:² "murder, murder for hire, arson, identity theft, computer hacking, wire fraud,

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 26 ² Plaintiff's complaint is scurrilous and unfounded. A complaint must "contain either
 27 direct or inferential allegations respecting all the material elements necessary to sustain
 28 recovery under some viable legal theory." *Bell Atlantic Corp. v. Twombly*, 550 U.S. __ [127 S. Ct. 1955, 1969, 167 L. Ed. 2d 929] (2007). The factual allegations must be
 definite enough to "raise a right to relief above the speculative level." The pleadings must

1 white slavery, kidnapping, staged traffic accidents, jury tampering, election fraud &
 2 intimidation at polling places, corruption of public officials, financing of street gangs,
 3 insurance fraud, perpetuation of religious intolerance”, racketeering. (Complaint, 3:13-
 4:3.)

5 Plaintiff continues: “McAdam was paid with illicit funds to protect Lieb by
 6 denying a writ of coram nobis under color of writ relating to that case. [P] McAdam
 7 uses his influence to encourage the Judge and clerks in that case to give Lieb favorable
 8 rulings, with-hold documents, rearrange information in the file and block access to the
 9 appellate court.” (Complaint, 5:6-12.) “There have been three attempts to either kill or
 10 maim the plaintiff by members of the CCE (continuing criminal enterprise)...Lieb and
 11 McAdam have used illicit funds from the illegal activities of the CCE to arrange for
 12 assassination attempts and are accessories to multiple counts of fraud, and attempted
 13 murder.” (Complaint, 5:18-25.)

14 “The illegal wire taps, rerouted and blocked telephone calls, mail fraud and the
 15 legion of con artists the CCE, including Lieb and McAdam, has paid to harass the pltf
 16 make the pursuit of normal business activity impossible.” (Complaint, 9:3-7.)

17 Clearly, these allegations relate to the same proceedings at issue before Judge
 18 Burns in the lower-numbered case.

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 28 contain factual allegations "plausibly suggesting (not merely consistent with)" a right to
 relief. *Id.* at 1965.

II.

CONCLUSION

For the reasons stated, Defendant Judge McAdam prays that the instant action be assigned to Judge Burns, who is familiar with the facts and issues underlying this case. Such an assignment will promote judicial economy, ensure respect for Judge Burn's prior orders denying Plaintiff's motions for recusal, and forestall plaintiff's judge-shopping.

Respectfully submitted,

DARLENE A. DORNAN, Court Counsel
Superior Court of California, County of San Diego

DATED: By: s/ Cheryl L. Brierton
April 7, 2008 CHERYL L. BRIERTON, Litigation Attorney
Attorney for Defendant, The Honorable William
McAdam, Judge of the Superior Court of California,
County of San Diego

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL,) Case No. 08-CV-00441 WQH (JMA)
Plaintiff,)
v.)
JACK LIEB ESQ. AND ASSOC., JUDGE) PROOF OF SERVICE
W. MCADAM, ET AL.,) [Local Rules 5.3, 5.4(c)]
Defendants.)

I, PUI TSANG, declare that: I am over the age of eighteen years and not a party to the above-referenced case; I am employed in, or am a resident of, the County of San Diego, California where the mailing occurs; and my business address is: 220 W. Broadway, San Diego, California.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

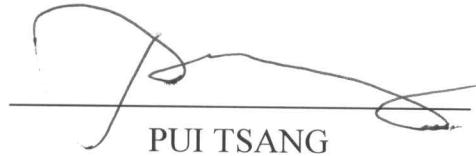
On April 7, 2008, I served the following document(s): **DEFENDANT JUDGE MCADAM'S NOTICE OF RELATED CASE** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

1 **Lantz Arnell**
2 PO Box 181583
3 Coronado, CA 92178

4 I then sealed each envelope and deposited said envelope(s) in the U.S. Postal Pick
5 up box, this same day, at my business address shown above, following ordinary business
6 practices.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

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10 Executed on April 7, 2008



PUI TSANG

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